

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JEROME MICHAEL BELL; DESHAWN
WALKER,

Defendants.

Case No. 2:15-cr-00011-JCM-CWH

ORDER

This matter is before the Court on Defendant Deshawn Walker's ("Walker") Motion to Sever (#25), filed on May 1, 2015. The Government filed a Response (#30) on May 18, 2015. Walker filed a Reply (#34) on May 20, 2015. Additionally, Defendant Jerome Bell ("Bell") filed a Motion for Joinder (#26) on May 4, 2015, which the Court granted on May 19, 2015 (#32). The Government filed a Response (#30) to Bell's Joinder on May 18, 2015. Bell did not file a reply.

BACKGROUND

Defendants Walker and Bell are charged with Conspiracy to Commit Bank Robbery, in violation of 18 U.S.C. § 371, Armed Bank Robbery in violation of 18 U.S.C. §§ 2113(a) and (d), and Using and Carrying a Firearm, in violation of 18 U.S.C. § 924(c)(1)(A)(ii). (Indictment (#12).) Walker and Bell request that the Court sever their cases based on statements they made on January 2, 2015, the day of the alleged bank robbery, when they were interviewed by FBI Agent Schlumpf. The Defendants' interview was videotaped. (Not. Of Manual Filing (##29, 31).) The Court ordered that the Government provide to the Court a written transcript of the interview. (Min. Order (Doc. #39).) The written transcript ("Transcript") is attached to this Order.¹

¹ Government counsel provided the Transcript in open court on June 15, 2015. The Court has redacted Defendant Bell's date of birth and Social Security number from the Transcript in accordance with Federal Rule of Criminal Procedure 49.1. (Transcript at 11.)

1 The Transcript indicates that Bell initially was interviewed by Agent Schlumpf without
 2 Walker in the room. Bell asked Agent Schlumpf whether “me and the other guy gonna be cell
 3 mates?” (Transcript at 5:20.) Bell advised Agent Schlumpf that he wanted to talk to the “other
 4 guy” who was involved before speaking about the robbery. (*Id.* at 8:8.) Agent Schlumpf identified
 5 the “other guy” as Walker. (*Id.* at 14:19 - 15:8.) Agent Schlumpf then had other agents bring
 6 Walker into the same room, and explained to Walker that Bell “is kinda laying the groundwork for
 7 you two guys to uh get out of this with the least amount of problems for ya,” and that Bell wanted
 8 to be sure that Walker was willing to cooperate. (*Id.* at 35:5-18.) Once Bell and Walker were both
 9 in the same room, Bell used the word “we,” obviously referring to himself and Walker. (*See id.* at
 10 40:7 (“... how can we be like guaranteed like this will actually help. We could say anything, you
 11 could tell us anything, you not the judge the prosecutor.”) Once Bell left the interrogation room,
 12 Walker made certain potentially incriminating statements, for example, he said “. . . just made this
 13 one mistake,” “. . . wrong place wrong time . . .” “it was a wrong move,” and “all Imma say is I
 14 wasn’t the one with the gun, that’s it.” (*Id.* at 57:4, 59:18, 65:11, 81:24.)²

15 Walker argues that the admission of Bell’s statements at a joint trial may violate Walker’s
 16 right to confrontation because Bell’s statements directly incriminate Walker. Walker also argues
 17 that redaction of Walker’s name does not mitigate the harm because he has been identified in the
 18 video as the “other guy” being investigated for the bank robbery. Bell argues that Walker’s
 19 statement that Walker was not the one with the gun not only makes Bell a participant in the bank
 20 robbery but also incriminates Bell by placing the firearm in Bell’s hands, thereby potentially
 21 violating Bell’s right to confront the witnesses against him.

22 The Government responds that under the *Bruton v. United States*, 391 U.S. 123, 126
 23 (1969), line of cases, the Confrontation Clause is not violated by the admission of a non-testifying
 24 co-defendant’s confession when the confession is redacted to eliminate the defendant’s name and
 25 the jury is instructed to consider the confession only against the co-defendant. The Government
 26

27 ² This may not be an exhaustive recitation of inculpatory statements, but the statements
 28 the Defendants argue are inculpatory are included.

1 also claims that because neither Defendant mentions the other by name, neither the transcript nor
2 the videotape of the statements require redaction. Finally, the Government argues that when a
3 confession is not incriminating on its face, and it becomes so only when linked with evidence
4 introduced at trial, it is a less valid generalization that the jury is unlikely to obey the instruction to
5 disregard the evidence.

6 ANALYSIS

7 Federal Rule of Criminal Procedure 8(b) allows the joinder of defendants “if they are
8 alleged to have participated in the same act or transaction or in the same series of acts or
9 transactions constituting an offense or offenses.” Rule 8 is construed broadly in favor of initial
10 joinder. *United States v. Vasquez-Velasco*, 15 F.3d 833, 844 (9th Cir. 1994). “Generally,
11 defendants who are indicted together in federal court should be jointly tried.” *United States v.*
12 *Tootick*, 952 F.2d 1078, 1080 (9th Cir. 1991). “Joinder is favored in federal criminal cases largely
13 for reasons of judicial economy and efficiency, despite some degree of bias inherent in joint trials.”
14 *Id.*

15 Rule 14(a) provides in relevant part that the Court may sever defendants’ trials if joinder
16 “appears to prejudice a defendant.” To warrant severance, the defendant bears the heavy burden of
17 demonstrating that “a joint trial is so manifestly prejudicial that the trial judge is required to
18 exercise his or her discretion in only one way – by severing the trial.” *United States v. Castro*, 887
19 F.2d 988, 996 (9th Cir. 1989). “A defendant must show clear, manifest or undue prejudice and
20 violation of a substantive right resulting from the failure to sever.” *Id.* “The test is whether joinder
21 is so manifestly prejudicial that it outweighs the dominant concern with judicial economy and
22 compels the exercise of the court’s discretion to sever.” *United States v. Kenny*, 645 F.2d 1323,
23 1345 (9th Cir. 1981) (citing *United States v. Brashier*, 548 F.2d 1315, 1323 (9th Cir. 1976)). “A
24 joint trial is particularly appropriate where the co-defendants are charged with conspiracy, because
25 the concern for judicial efficiency is less likely to be outweighed by possible prejudice to the
26 defendants when much of the same evidence would be admissible against each of them in separate
27 trials.” *United States v. Fernandez*, 388 F.3d 1199, 1242 (9th Cir. 2004), *modified by* 425 F.3d
28 1248 (9th Cir. 2005). Further, “[j]oinder of charges against multiple defendants is particularly

1 appropriate when the charges involve substantially overlapping evidence.” *United States v. Golb*,
2 69 F.3d 1417, 1425 (9th Cir. 1995).

3 Here, there is no question that two individuals were involved in the robbery. At an
4 evidentiary hearing held on June 15, 2015, the Court was provided with a photograph taken from
5 surveillance tapes at the bank, and it is clear from the photograph that two masked and
6 unidentifiable individuals robbed the bank. The Defendants were not arrested together. During
7 their interrogation, both Defendants refer to another actor in their statements, but neither Defendant
8 identifies the other as his co-actor in the robbery. Instead, the connection between the two
9 Defendants comes from two factors: first, Agent Schlumpf’s statements that Walker was the “other
10 guy,” and second, the implication that the Defendants were connected because they were brought
11 together during the interrogation to allow them to decide whether to admit their culpability.

12 Although these connections implicate both Defendants, the Court finds that neither Walker
13 nor Bell have met the heavy burden of demonstrating that a joint trial would be so prejudicial that
14 the only option is to sever the trial. Rather, the Government could redact the portions of the video
15 that indicate a connection between the two Defendants. If these connections are redacted, the
16 remaining statements made by each Defendant do not directly identify or implicate the other
17 Defendant. Additionally, a limiting instruction may be appropriate to ensure that the jury
18 disregards an incriminating reference. *See Richardson v. Marsh*, 481 U.S. 200, 208 (1987) (“While
19 it may not always be simple for the members of a jury to obey the instruction that they disregard an
20 incriminating inference, there does not exist the overwhelming probability of their inability to do so
21 that is the foundation of *Bruton*’s exception to the general rule.”). Further, given the nature of the
22 conspiracy to commit bank robbery charge alleged in count one of the Indictment and the
23 overlapping evidence involved, judicial economy weighs strongly against severing the Defendants’
24 trials. The Court therefore will deny Walker and Bell’s motion to sever their trial.

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26 ///


27 ///

28 ///

CONCLUSION

IT IS HEREBY ORDERED that Defendant Walker's Motion to Sever Trial of Defendants (#25), which is joined by Defendant Bell (#26), is **DENIED**.

DATED: August 5, 2015.



C.W. Hoffman, Jr.
United States Magistrate Judge

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Unites States of America,

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JEROME BELL; AND

DESHAWN WALKER

Defendants.

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COMES NOW the United States of America, by and through DANIEL G. BOGDEN,

United States Attorney, and ANDREW W. DUNCAN, Assistant United States Attorney, and

provides the Court with a transcript of the Video Recorded interview between FBI Agents

Henry Schlumpf and John Cook, and defendants Jerome Bell and DeShawn Walker conducted

on January 2, 2015.

TRANSCRIPT

Agent Cook: (UI) Put you through. The worst one is the uh the lie detector test. Cause you spend
a couple hours in a room with a dude who's got you all you know plugged up with I don't know

1 sensors or some shit like that. And they ask you they ask you everything about your life. You
2 gotta basically, you don't even have to you don't even have to ask. You just gonna talk to the
3 people as you go through it. Just basically end up vomiting on the table everything about your
4 life. Because here's the thing. What they tell us and what I saw is if you fucked up in the past
5 and you tell them then it's not a big deal as long as it doesn't cross certain thresholds like you
6 know if you tell me I just fucking did heroin yesterday they're probly not let gonna let you pass.
7 But if you have problems from back in the day as long as you're honest about it um it's actually
8 not an issue. The issue where a lot of guys fail is they try to keep stuff you know and they
9 through the machine or somehow they're able to tell maybe not specifically what you're lying
10 about but that you're being untruthful.
11
12
13

14 Jerome: Oh yeah yeah yeah. It's all about the heartbeat and heart rate.
15
16

17 Cook: Yeah.
18

19 Schlumpf: Alright let's come on in here.
20
21

22 Jerome: I be watching this type of shit on TV
23

24 Cook: Yeah there's a lot of similarities but some of, a lot of that TV stuff is crap.
25

26 Jerome: (UI) Turned on cameras and shit
27
28

1 Cook: You want JABS up?

2
3 Schlumpf: Yeah. We'll need that uh eventually. Ok go head and sit down. We're gonna put this
4 up here. Let's see how that other arm doing. Ok. My name's Henry. This is John. We're FBI
5 Agents. You're in Federal Custody for a bank robbery. And what we're gonna do here is
6 processing for fingerprints, DNA just a saliva test, some photographs and then I'll tell ya like
7 what all is going on and what your situation is and (UI) about the evidence if you want, answer
8 any questions, let you make your phone calls. Before we do any of that, I gotta advise you of
9 your rights.
10
11

12
13 Cook: You got his paper work?

14
15 Schlumpf: No. Nothing yet.
16
17

18 Cook: I mean just like just start filling this out?
19

20 Schlumpf: Uh we don't have anything.
21

22
23 Cook: you don't have anything yet?
24

25 Schlumpf: just let me do this –
26
27

28 Cook: yeah no worries.

1 Schlumpf: and we'll get that. So I gotta read this formal. Like I'm not gonna ask you any
2 questions if you don't want me to or any of that alright? Before we ask you any questions you
3 must understand your rights. You have the right to remain silent. Anything you say can be used
4 against you in court. You have the right to talk to a lawyer for advice before we ask you any
5 question. You have the right to have a lawyer with you during questioning or if you could not
6 afford a lawyer one will be appointed for you before any questioning if you wish. If you decide
7 to answer questions now without a lawyer present you have the right stop answering questions at
8 any time. Like I said I'm not gonna ask you anything but I would like to tell you what your
9 situation is and all that kind of stuff. So if that's cool with you if you could read that out loud and
10 sign that, I'll tell you what's going on.
11
12

13
14 Jerome: I read this statement and understand what my rights are. At this time (UI)
15
16

17 Schlumpf: Well I'm not gonna ask you anything
18

19 Jerome: but that's still telling me to say it though.
20

21 Schlumpf: yeah I know. But you'll like I said you don't have to answer anything. And I'm not
22 gonna ask you anything. But it's just the form I –
23
24

25 (UI both persons are speaking over each other)
26
27

28 Jerome: at this time I would (UI)

1 Schlumpf: but you don't have to answer anything

2
3 Jerome: alright but I can't sign it I'm right handed

4
5 Schlumpf: just sign it left handed it's alright it doesn't have to be like just sign it

6
7
8 Jerome: I can't write with my left hand

9
10 Schlumpf: alright

11
12
13 Agent in the Hallway: you here Henry?

14
15 Cook: yeah we're here

16
17
18 Schlumpf: alright. Let's close this cause there's gonna be somebody else coming.

19
20 Jerome: are me and the other guy gonna be cell mates?

21
22
23 Schlumpf: no. we can, it's kinda up to you. If it doesn't matter to you guys you can be together if
24 you don't wanna be together than we'll put you in two sep facilities. Alright so the bank is
25 federally ensured so that's why this is a federal crime that's why you're here talking to the FBI.

26 And-

1 Jerome: made it to the big leagues man

2
3 Schlumpf: Yeah you can look at it that way. There's good things and bad things about it.

4 Jerome: yeah I know

5
6
7 Schlumpf: So. Bad things you know no parole no bail. You're kinda –

8
9 Jerome: you gotta do all your time

10
11
12 Schlumpf: just stuck. Yeah. You get a little off for good behavior but it's not very much. Good
13 thing is though, there is a lot of accommodation made kinda for like the kind of person you are.

14 Like you know –

15
16 Jerome: your point (UI)

17
18
19 Schlumpf: exactly points. It's all point system. They all get different points –

20 (UI. Jerome and Schlumpf talking at the same time)

21
22
23 Jerome: How ever many points you have determines how much time you get –

24
25 Schlumpf: that exactly right.

26
27 Jerome: yeah I know about that.

1 Schlumpf: so what you get points off for is accepting responsibility

2
3 Jerome: accepting responsibility

4
5 Schlumpf: yeah like uh mitigating factors. So uh you know it's like, if you're like an ok guy and
6 you did this bc you were desperate and you take resp for it and wanna get it behind ya you
7 treated entirely diff than if you're like some hardened criminal who's like you know I don't care
8 who I hurt I don't care I'm just gonna do this kind of stuff. Those kind of people yeah the points
9 up they go away forever. Uh the other thing is, hardly anybody goes to trial in the federal system
10 bc you kind of get maxed out if you go to trial. They put everybody through you know the whole
11 thing-
12
13

14
15 Jerome: go through all that bullshit you did. I mean basically they have the most of the time
16 enough evidence to –
17

18
19 Schlumpf: right. All the time

20
21 Jerome: yeah that's what I'm saying. They got about 99.9% of it
22

23
24 Schlumpf: I never lost a case that went to trial. I haven't had that many trials. 35yrs I been here I
25 probly had maybe 15 – 18 trials but I arrest a lot of people and everybody pleads. People who go
26 to trial they all been maxed out. Its federal court you're not gonna get acquitted.
27
28

1 Jerome: I got I got kids and stuff. (UI)

2
3 Schlumpf: well my advice to you would be to start today to try to get everybody on your side.

4 Like I said if you're an okay guy and you had reasons for doing it you know and all that kind of
5 stuff --
6

7
8 Jerome: I kind of like would feel better if I um you know talk to the other guy --
9

10 Schlumpf: maybe if he wants to talk to you we can do that.
11

12 Jerome: right right.
13

14 Schlumpf: you know it's like if you guys come to an agreement --
15

16 (UI. Jerome is talking while Schlumpf is speaking)
17
18

19 Schlumpf: everybody does the least time. Now apparently he's already come to that conclusion.

20 All I heard though you know was that he's telling them where you threw the money out and
21 they're looking for it. Cause you gonna have to pay that back, so if they find it, you know you're
22 a lot better off than having to pay it back. Alright? So apparently --
23
24

25 Jerome -- when they factor in the situation is the gun. That's the main factor. The gun makes it
26 violent.
27
28

1 Schlumpf: the gun adds 5 years. Alright. But --

2
3 Jerome: But it all depends on how much money you get out of the crime to make it --

4
5 Schlumpf: well there's a threshold, it's a like \$100,000.00 if you got less than \$100,000.00 you
6 don't have to worry about that. Uh --

7
8
9 Jerome: so less than \$100,000.00 is like...

10
11
12 Schlumpf: yeah it doesn't really count towards anything. There's an enhancement if it's more
13 than \$100,000.00.

14
15 Jerome: oh so --

16
17
18 Schlumpf: there's another enhancement if it's more than \$400,000.00.

19
20 Jerome: no what I'm saying um here's what I'm sayin the gun makes it 5 years but seeing as in
21 no one got hurt and the gun was left and the way the situation happened because I'm pretty sure
22 they got the video footage and everything to where it was you know what I mean however it
23 went down you know what I mean and plus the...

24
25
26 Schlumpf: here's the thing though, it's up to the prosecutor. He doesn't have to charge you with
27 a gun. He doesn't have to give you that gun charge. Alright. You're not, you haven't been
28

1 charged with anything yet. I'm gonna write a complaint just on the bank robbery. Next week
2 you'd be indicted. Alright? And that's when the prosecutor will add all the charges. But it's up to
3 him. He doesn't have to add the gun charge. If he thinks you're an ok guy and you just wanna get
4 this behind you and get it resolved you know? He'll just charge you with the bank robbery.
5

6
7 Jerome: so on the regular, on the regular. So just that, what does that, what does just the bank
8 robbery hold?
9

10 Schlumpf: you know uh. I 'm not gonna make a prediction cause it's not up to me it's up to the
11 judge. But in my experience, I'll tell ya this. We had a guy robbed a bank with a gun and the
12 judge released him on his own recognizance. Just had one of those with a gun and he was
13 released. but it does happen. I had a guy who robbed a bank without a gun and got probation.
14 There been a few of those. Alright? It's just they just were cooperative; they said I did it; this is
15 what I did, I just wanna get it behind me. I'm sorry I have a drug problem or you know I gotta
16 feed my kids and I was desperate and I did something stupid.
17
18
19

20 Jerome: I understand what you mean
21
22

23 Schlumpf: Everybody can kind of get behind somebody like that.
24

25 Jerome: yeah I feel you.
26
27
28

1 Schlumpf: let's get, I wanna run you and see what your record is so I got a better idea of what
2 we're looking at. What's your name?

3
4 Jerome: Jerome Michael bell

5
6
7 Schlumpf: Jerome Michael Bill. B-I-L-L?

8
9 Jerome: Bell. B-E-L-L

10
11
12 Schlumpf: And what's your date of birth?

13
14 Jerome: [REDACTED]

15
16
17 Schlumpf: And uh, do you know your social security number?

18
19 Jerome: [REDACTED]

20
21 Schlumpf: [REDACTED]

22
23
24 Jerome: [REDACTED]

25 Schlumpf: (to Cook) do you wanna, take that and we'll see what kind of record Jerome has? (to
26 Jerome) you know if you don't have a big federal record –
27
28

1 Cook: do you want this open or close?

2
3 Schlumpf: Uh.

4
5 Cook: you got someone else coming or?

6
7
8 Schlumpf: yeah I don't want; until these guys decide what they wanna do we'll just keep them
9 separated. He may not wanna talk to you, I don't know. Uh if you don't have anything else
10 federal than your records not really count that much against you. This will be kinda like a first
11 time.
12

13
14 Jerome: I only really have a juvenile record. Like California. My juvenile record is from when I
15 was 13. Then I was adjudicated and I did from 13 to 21 that was in California, so that don't
16 count.
17

18
19 Schlumpf: ok do you have a domestic violent warrant out here you think?

20
21 Jerome: no it's not a warrant. I just out from uh it's a misdemeanor though. It's not a felony it's a
22 misdemeanor.
23

24
25 Schlumpf: they don't really care about that kind of stuff
26
27
28

1 Jerome: and then uh I had, they had tried have me on some charges of attempted murder or
2 something when I recently went but they dropped those charges. I'm pretty sure none of that –
3

4 Schlumpf: do you have any failure to appears or things like that?
5
6

7 Jerome: on my traffic ticket. That was it.
8

9 Schlumpf: alright. That prolly won't. If you had a whole lot of not showing up when you're
10 supposed to that would count against you for getting released.
11
12

13 Jerome: (UI)
14

15 Schlumpf: uh you're kind of screwed on the bank robbery so you know, if you want to get the
16 points for accepting responsibility and kind of get everybody on your side starting today, I'll be
17 able to tell them you know Jerome just wants to you know if you feel bad about I'll tell them all
18 that stuff but you know I can't put words in your mouth.
19
20

21 Jerome: I just gotta you know what I mean talk it over.
22
23

24 Schlumpf: Alright
25

26 Jerome: I'm pretty sure you know what I mean yall got what yall need regardless. It's just like..
27
28

1 Schlumpf: you don't have to say anything about the other guy.

2
3 Jerome: I'm not saying anything about anybody.

4
5
6 (UI)

7
8 Jerome: I would like to see what type of level (UI) we on to see (UI)

9
10 Schlumpf: like you don't wanna do anything unless he's like doing the same thing?

11
12
13 Jerome: right. Cause this different circumstances from you know state. (UI) this a whole
14 different ball game. This totally different from the state.

15
16
17 Schlumpf :(On the phone) Hey it's Henry can you talk? So uh Jerome here you know he wants to
18 get that time off for accepting responsibility and all that kinds of stuff but he just kind wants to
19 run by the other guy to make sure they're on the same page. Mr. Walker is that his name? uh I
20 think he just wants to make sure that walker gonna do the same thing. Wants to make sure its ok
21 with him. Yeah and if you know it's up to you if we just put them on the phone or something...

22
23
24 Jerome: I aint tryna talk on no phone

25
26 Schlumpf: ok. Ok. He gonna go ask him
27
28

1 Jerome: but I just wanna talk in person

2
3 Schlumpf: apparently they're still out there. He may be getting looked at. I guess he got bit by a
4 dog

5 Jerome: hmm?
6

7
8 Schlumpf: he got bit by dog so I guess they working on him
9

10 Jerome: bit by a dog? This shit is bizarre, crazy. I just wanna go to sleep man. (UI) this shit sick
11 (UI)
12

13
14 Schlumpf: alright. Are you gonna bring him to the plaza? Yeah. Ok. Alright. Bye. Uh walker is
15 like uh he doesn't wanna say anything about you I don't know if he thinks it's a trick or
16 something or what. So they're gonna bring him here and then you guys can sit down and sit
17 across each other however you wanna do it and work it out. I know you don't wanna talk about
18 him he don't wanna talk about you. I just thought they were on their way back. So what I'll do
19 while we're waiting. Turn you over to John and we'll get the fingerprints and stuff out of the
20 way. We can go and leave that open now. Misdemeanors... They got some things here from
21 LAPD for an open warrant for a weapon offense but they say it might be disposed of already. I
22 don't see anything that's gonna cause you a lot of problems federal. A lot of stuff dismissed.
23 Insufficient cause. And juvenile stuff I can't see. So just going over like that I don't see anything
24 that's gonna cause you grief.
25
26
27
28

1 Jerome: I'm not a bad guy man

2
3 Schlumpf: don't seem like it. You're young too

4
5 Jerome: if you could while I'm in here (UI) if you could call my mom

6
7
8 Cook: you can call her

9
10 Jerome: (UI)

11
12
13 Schlumpf: We gotta get this stuff done (UI) we got time so

14
15 Jerome: I appreciate you being cool and shit.

16
17
18 (UI by Schlumpf)

19
20 Schlumpf: So this DNA test is just a saliva test.

21
22
23 Jerome: (UI)

24
25 Schlumpf: Yeah. And then we'll see what we can do about getting that car released.

26
27
28 Jerome: (UI) so I'm being charged with bank robbery and the car collision on the other people?

1 Schlumpf: you know we're gonna see what we can do about that uh what'll happen is –

2 Jerome: that car was insured but see I don't know if it'll be covered by insurance by me driving
3 the car because I'm not (UI both Jerome and Schlumpf are talking)
4

5
6 Schlumpf: the federal prosecutor will call the DA and you know if like you been upfront with
7 everything they'll probably ask the DA to drop the accident charges and they will just like roll it
8 up into whatever you got federal. They don't have to charge you with anything. You know you
9 make things easier for the prosecutor; he'll make things easy for you. That's what it comes down
10 to.
11

12
13 Jerome: so with all that being said do it look like my points are gonna be high?
14

15 Schlumpf: well I mean it's all in the guidelines. They gotta give you 3 points off for acceptance
16 of responsibility; they don't have to charge you with a gun and all that kind of stuff. You know it
17 depends; it depends on how things go when you start talking. So. You know uh the judge and the
18 prosecutor, nobody is here it's just us. They know who you are from what I tell them that's why
19 they call me cause they wanna know. So you know, we could work it out.
20
21

22
23 Jerome: (UI) call my mom. That's messed up. (UI)
24

25 Cook: Henry when was the offense date?
26

27 Schlumpf: Today.
28

1 Cook: Ok.

2
3 Schlumpf: They got a tracker.

4
5 Cook: Huh?

6
7
8 Schlumpf: They got a tracker.

9
10 Jerome: Where is that tracker?

11
12
13 Schlumpf: It's just hidden in the money

14
15 Jerome: no I'm talking like where is it?

16
17
18 Schlumpf: oh, now? If it's still working, then it'll probly still be with the money. I don't know. I
19 hear they're looking for it. I haven't heard if they got it

20
21 Jerome: how did the people try to figure it was me in the car?

22
23
24 Schlumpf: I don't kn – I don't know all the details. I got there after you were already caught.

25 Cook: what's your current weight? What do you weigh?

26
27
28 Jerome: to be honest I don't even know

1 Cook: you don't know?

2
3 Jerome: you know I'm just tryna figure that out. (UI) this shit like a movie or some shit
4

5
6 Schlumpf: you're right about that.
7

8 Jerome: Hm?
9

10 Schlumpf: You're right about that.
11
12

13 Jerome: What?
14

15 Schlumpf: This is like a movie. Car chase and robbery and all that stuff. Masks.
16
17

18 Jerome: Masks?
19

20 Cook: who is the arresting agent?
21
22

23 Schlumpf: uh you could put me down. I been in this office for 20 years and I could not remember
24 this ORI thing.
25

26 Jerome: what's ORI?
27
28

1 Schlumpf: it's like a code for our office.

2
3 Jerome: since I'm not being charged or anything am I free to go?

4
5 Schlumpf: nope. You're under arrest. I'm gonna charge ya. This is a probable cause arrest.

6
7
8 Jerome: Oh.

9
10 Schlumpf: and as soon as I drop you off I start writing up the complaint, get it signed today and

11 Jerome: but see I wouldn't even wanna give my – I would want my own recognizance but it's
12 like ima have to go to jail still.

13
14
15 Schlumpf: I never had anyone with a gun get probation. So I mean –

16
17
18 Jerome: that's probation? Basically when you get your own recognizance you're on probation?

19
20 Schlumpf: no. no I mean for a sentence. You can get released –

21
22
23 Jerome: I never said probation. (UI)

24
25 Schlumpf: I, I know. Oh I see what you're saying. No I think you probably are gonna get jail
26 time. You could be released on your own recognizance. Your thinking more like you wanna just
27 start your jail time now?
28

1 Jerome: Noo. No. no. no. I'm not saying that. Because I had the case as far as, for um,.....to um,
2 the state case.

3
4 Schlumpf: Usually that stuff goes away.

5
6
7 Cook: Jerome let me ask you a few questions. Do you still live on Harris Street? 1610, Harris?

8
9 Jerome: No she kicked me out

10
11
12 Cook: where do live now?

13
14 Jerome: I don't have anywhere to live. I'm on the street.

15
16
17 Cook: what's uh do you have an employer? Do you work anywhere?

18
19 Schlumpf: (on the phone) With Akia?

20
21 (UI; All three parties, (Agent Schlumpf, Agent Cook, and Jerome) are talking at the same time in
22 two separate conversations).

23
24
25 Schlumpf: I guess it can be returned. Yeah. I'm still uh, I'm still talking to Jerome. So you know
26 I think yeah. Jerome Bell.

1 Cook: Do you have any tattoos?

2
3 Schlumpf: Yeah Bell. B-e-l-l.

4
5 Jerome: hm?

6
7
8 Schlumpf: (On the phone) Yeah.

9
10 Cook: what do you got for tattoos?

11
12
13 (UI) (Both Agent Schlumpf and Jerome are talking)

14
15 Schlumpf: and then social 620-36-8059. We're still working some stuff out but uh I'm guessing
16 we'll be able to release that uh back to his mom.
17

18
19 Cook: what is that a tattoo of on your neck?

20
21 Jerome: a tree.

22
23
24 Cook: a tree?

25
26 Schlumpf: that's your mom right?
27
28

1 Jerome: yes.

2
3 Schlumpf: yeah. Genita Pope Don

4
5 Jerome: no. Donjanita Pope

6
7
8 Schlumpf: Donjanitana Polk. Yeah that's his mom. So we're working it out so we can get it back
9 to her. Ok.

10
11 Cook: what other tattoos?

12
13
14 Jerome: hm?

15
16 Cook: what other tattoos do you have?

17
18
19 Schlumpf: (on the phone) no. yeah.

20
21 Jerome: (UI)

22
23
24 Schlumpf: (on the phone) hey thanks a lot. Bye.

25
26 Cook: right arm um. What is it?

1 Jerome: it's like a "C" or a "T" (UI)

2
3 Cook: What else? What's that on your right forearm? You got something on your right fore arm?

4
5 Jerome: um it's a "D"

6
7
8 Cook: it's a "D"? like a lowercase "D"?

9
10 Jerome: yeah.

11
12
13 Schlumpf: here you go. You can just rinse out. Or scrub your tongue, roof of your mouth,
14 cheeks, teeth. You get to do it twice.

15
16 Jerome: oh yeah?

17
18
19 Schlumpf: Yeah.

20
21 Jerome: did my mom wanna see me or somethin?

22
23
24 Schlumpf: probably not. I mean Monday if she wants, if you want you could have her come to
25 court.

26
27 Jerome: no I'm talking on the scene. Like –
28

1 Schlumpf: Oh is she gonna be on the scene?

2 (UI)

3
4 Jerome: that's gonna make her pay extra

5
6
7 Schlumpf: no.

8
9 Cook: what other tattoos?

10
11
12 Jerome: On my chest. I have a 8-8-7

13
14 Cook: 8-8-7?

15
16
17 Schlumpf: so on this we put your two fingerprints. So it's just these two fingers and you just roll
18 them once on the ink, and then once there. Alright? It's just so that they can keep straight.

19
20 Cook: what else Jerome, for tattoos?

21
22
23 Jerome: that's it.

24
25 Cook: that's it? You sure? Do you have any scars?

26
27 Schlumpf:(on the phone) hey go ahead.
28

1 Cook: do you have any medical conditions?

2
3 Schlumpf: (on the phone) ok that's cool. Yes. Suite 200. Ok. Bye. Did you get tazed?

4
5 Jerome: hm?

6
7
8 Schlumpf: did they taze you?

9
10 Jerome: they tried to but it didn't hit me. I guess all I got was a bad shock. I got shocked. I guess
11 they put the gun to me when they were squeezing it, when they think they were – and that wire
12 was touching me.
13

14
15 Schlumpf: ok part of their, they gotta take a picture of you because you got tased. So.
16

17
18 Jerome: but I didn't get tased.
19

20 Schlumpf: well still they deployed it so I they gotta get a picture of the person who got hit so
21 they'll be over here in a couple minutes to take your picture. Part of their rules.
22

23
24 Jerome: they just tryna put me on the news
25

26 Schlumpf: nah they won't put you on the news. Ok, here's the ink so I'll hold this and you could
27 do those two try to get the tips now roll it once there. Perfect. You passed your DNA test.
28

1 Cook: do you go by anything else besides Jerome?

2
3 (UI)

4 Jerome: You said I passed my DNA test?

5
6
7 Schlumpf: yeah. It's just a joke.

8
9 Jerome: (UI)

10
11
12 Schlumpf: yeah. Let's wait till we're done talking though. The phone's right there. You can call
13 whoever you want.

14
15 Cook: I'm ready for the prints.

16
17
18 Schlumpf: alright. Go ahead and do whatever John tells you.

19
20 Cook: alright just step up here. So this is different from the old school taking fingerprints as you
21 may seen on TV. (UI) I'll walk you through it but eventually you'll figure it out and you'll just
22 follow the instructions. So right now it's asking for your right (UI) so that'll be your right four
23 fingers. Keep in mind that at all times they want the top third of your finger to be in there so if
24 you have if you put your fingers down and you have one of your fingers over it extending past it
25 it's not gonna work and we gotta keep redoing it. Alright. So the faster you catch on to things the
26
27
28

1 easier it will be. We don't have to stand here. Um you're gonna put your right slab down and
2 slide it slowly to the left so that this laser picks up on it. Makes sense?

3 Alright go ahead put your finger down, and slide it left slowly. See if that works. You can lift up.

4 K. you did it too fast. Try it again. K. alright so the thumb is a lil bit tricky. These things roll to
5 the left and right. You're gonna have to put your thumb in there. You're gonna have to wrench
6 your whole body and slide it. Step to the side just so I can (UI) You're gonna wanna put your

7 thumb in like this and roll it and roll your body into it so you can get the full rotation. Alright?
8 How thick is your thumb? let me see uh.... Try that, let's see if that works. K. go head and turn.

9 It's not gonna work like that, you gotta roll it. Is it too wide? It probly won't work but we'll,
10 sometimes it surprises you. Yeah see it wants you to do it again. Let me pull it closer. Try it now

11 again. You want it to roll all the way through. Do you need this wider? You feel your thumb
12 imprinting on the glass? Nope. Can't do it that way. Alright here, put your thumb out like that.

13 Ima do it for you. Now put your body into it a lil bit. We gotta do it again, it's close but (UI)
14 alright, hopefully you could feel how it felt with me doing it for you, so try to do that on your

15 own. Go head. (UI)
16
17
18
19

20 Schlumpf: (on the phone) hi who is the duty AUSA today?
21
22

23 Cook: close man. Its better if you keep your fingers cuff – there you go. Get your whole arm into
24 it so you can get the rotation.
25

26 Schlumpf: (on the phone) Andrew Duncan? Yeah go ahead.
27
28

1 Cook: alright. So now um, just follow the instructions. Your right middle finger. Same thing. Go
2 ahead. Good. That worked. K, now your ring finger. Go head. (UI) there you go. K, lil finger. K.
3 left slap. Put your fingers and slide it slowly to the right. Make sure – k there you go. K, left
4 thumb. Let's get this on the first try. Cuff your fingers. Fail. Alright again. Almost.
5

6
7 Schlumpf: k they're on their way here.
8

9 Cook: K. k, one more shot on your own then I gotta help ya.
10

11
12 Jerome: (UI) my hands
13

14 Cook: do you want me to, should I make this wider?
15

16 Jerome: no it like (UI)
17

18
19 Cook: your elbow aint gonna like break if I twist it will it?
20

21 Jerome: no it just scratched
22

23
24 Cook: ok. See (UI). That's a good one. You're impressed by that one aint cha
25

26 Jerome: no not really.
27
28

1 Cook: no not really?

2

3 Schlumpf: takes more than that to impress Jerome

4

5

6 Cook: yeah I tried. Oh shit it didn't even work

7

8 Jerome: freedom would impress me

9

10

11 Cook: that's on you buddy

12

13

14 Jerome: wake up in the morning. You never think you be in jail.

15

16

17 Cook: alright (UI)

18

19

20 Schlumpf: when did you get out Jerome?

21

22

23 Jerome: hm?

24

25

26 Schlumpf: when did you get out?

27

28

29 Jerome: um. December 2nd.

30

31

32 Schlumpf: so you been out a month?

33

1 Cook: alright we got it. Alright so same thing. On you index finger. That doesn't look too good. I
2 feel like you're not giving your best effort.

3
4 Jerome: (UI) my identity. I'm already here.
5

6
7 Cook: it's asking for the middle finger now. Yeah middle. Put your body into it. You don't have
8 to keep going. You let it go too far. Just rotate it and lift it up. Cuff your hands. Try it on your
9 own again.
10

11
12 Schlumpf: I got some of those plastic things.
13

14 Cook: huh?
15

16 Schlumpf: these things.
17

18 (UI)
19

20 Cook: there we go. Ring finger there you go. (UI) that worked. (UI) think that good enough for
21 government work?
22

23
24 Schlumpf: if it accepted it, it's good enough.
25

26 Cook: alright ima do uh. I don't like the way the left slab looks. (UI) see if it takes it. If it don't
27 want to (UI) stand in the middle of this.
28

1
2
3
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19
20
21
22
23
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26
27
28

Schlumpf: you could go ahead and bring that in. Thanks.

Cook: alright face the camera.

Schlumpf: the media askin about the robbery, I'm not gonna tell em anything.

Jerome: it was live on scene too huh?

Schlumpf: were they out there?

Jerome: the news? You know they were out there.

Schlumpf: I didn't see em. I think they were talking about them, I didn't see where they were at.

Cook: to the left a little. Your other left.

Jerome: you mean --

Cook: your right

Jerome: my right yeah

1 Cook: there you go center yourself in this box. That's good. Turn to you side.

2
3 Jerome: which side

4
5 Cook: either side

6
7
8 Jerome: hm?

9
10 Cook: either side is fine. Just turn to your side

11
12
13 Schlumpf: is that good?

14
15 Cook: yeah I'm good.

16
17
18 Schlumpf: go ahead and have a seat. You wanna call your mom? You can call her now but when

19 DeShawn gets here, you will have to get off. Just hit 9.

20
21 Cook: Dial the area code. 9 - 7 - 0 - 2

22
23
24 Jerome: (on the phone) hello. Whats up. I'm in jail mom for bank robbery.

1 Schlumpf: (on the phone) hello miss pope? Hey I'm Henry Schlumpf, I'm a special agent with
2 the FBI I'm here in Las Vegas. So uh Jerome just wanted to uh to explain stuff to you about the
3 car. I'll be talking to you a lil later but I'll let you talk to Jerome first
4

5 Jerome: (on the phone) hello. Hm? Calm down mom. Calm down. I'm gonna be alright. I love
6 you. Ima talk to you. I'll talk to you. The car is wrecked. I'm sorry mom. I love you too. I love
7 you too. Alright bye. Nah don't worry bout nothing. Don't worry bout nothing. Can I make
8 another call?
9

10
11 Schlumpf: yeah to call your girlfriend? You can give them my number to give me a call.
12

13
14 Jerome: yeah what's up? In jail. Yeah. Yeah. I um. Yeah. Who is that?
15

16 Schlumpf: hey you gotta wrap it up
17

18
19 Jerome: hey um I gotta get off this phone though. I gotta get off this phone though.
20

21 Agent Mollica: we need to have a meeting in here or should I bring him in another room?
22

23
24 Schlumpf: no bring him in here
25

26 Agent Mollica: come on in here.
27
28

1 Schlumpf: Hey Mr. Walker, I'm Henry. Come on in and have a seat. So –

2
3 Agent Mollica: (UI) Yeah

4
5
6 Schlumpf: so uh Jerome is kinda laying the ground work for you two guys to uh get out of this
7 with the least amount of problems for ya. Um what the difference is I looked at your record and
8 you got hardly anything just a couple misdemeanors and stuff so that's kind of good. But federal
9 is completely different from the state. Jerome's heard all this already but there's no parole in
10 federal, you know there's no bail, you're kinda just in now until your sentence is done. But what
11 they do give you, the good side is, they give you a lot time off for acceptance of responsibility
12 and other factors that may have led you to do this. Jerome would kind of like to go that way and
13 get the less time. Doesn't mean you gotta talk about each other or anything like that, just about
14 yourselves. But he just kinda wanted to make sure that you were on the same page and you guys
15 both were on the same page and you both do the least amount of time possible. So I think he just
16 wanted to talk with you for a minute to make sure that was cool with you. So, what uh what we
17 gotta do before we get into it is I gotta read you your rights. Jerome's already done it, so I'm just
18 gonna go over it with you. Before we ask you any questions, you must understand your rights.
19 You have the right to remain silent. Anything you say can be used against you in court. You have
20 the right to talk to a lawyer for advice before we ask you any question. You have the right to
21 have a lawyer with you during questioning or if you could not afford a lawyer one will be
22 appointed for you before any questioning if you wish. If you decide to answer questions now
23 without a lawyer present you have the right stop answering at any time. Now I'm not gonna ask
24 you any questions if you don't want me to. I would like to be able to tell you what's going on

1 with your case; what's happening from here, whether you want to cooperate or not. But we kinda
2 gotta do the form. So could you read this sentence out loud?

3
4 Deshawn: I read this statement about my rights and I understand what my rights are (UI)

5
6
7 Schlumpf: Question.

8
9 DeShawn: (UI) without a lawyer present?

10
11 Schlumpf: so if that's all cool with you I'll tell you what's going on. Alright? Is that cool?

12
13
14 DeShawn: (UI)

15
16 Schlumpf: that I can talk with you?

17
18
19 DeShawn: (UI)

20
21 Schlumpf: alright. What's gonna happen from here is that you guys are gonna have to go to
22 Henderson jail for a couple of days and then Monday I'll pick you up and take you to the
23 Marshals and you'll hang out at the courthouse for the day and then at 3:00 Monday you'll have
24 an initial appearance. Before that time, the judge and prosecutor are gonna call me and they're
25 gonna wanna know kinda what's up with you guys. And like I was telling Jerome, what they
26 wanna know is if you're hardened criminals or anything like that and I can tell them you're not.
27
28

1 But they'll also kind of wanna know, if you just wanna get this behind you and get it over with
2 or if you gonna fight it and go to trial and go for the maximum sentence. So if you want to get
3 the least amount of time possible and start laying the ground work today where I can tell the
4 judge and tell the prosecutor that they're just a couple of young guys; they're not bad guys, they
5 did something stupid, cause they were desperate and they feel sorry about it and they just want to
6 get it behind them. So that's what Jerome wants to do. And I think he just want to talk with you
7 and you know make sure you guys were gonna do the same thing. As opposed to going to trial
8 and trying to fight it and get maxed out on time and all that kind of stuff. Hardly anybody ever
9 does in the federal system. Like I told Jerome I've been here for 35 years and had maybe 15 or
10 18 trials. Those guys all lost, those guys got maxed out. You wanna take those off?
11
12

13
14 DeShawn: Yes
15

16
17 Agent Mollica: you need something to drink?
18

19 DeShawn: water
20

21
22 Agent Mollica: water? Ok. did you see that new email that came in Henry?
23

24 Schlumpf: no
25

26 Agent Mollica: for December 31st? it's pretty good. But uh, I'll be right back with your water.
27
28

1 Schlumpf: is that something I should read now?

2
3 Agent Mollica: uh yeah. Take a look at it. Jerome you good, you need anything?

4
5
6 Jerome: (UI)

7
8 Agent Mollica: Ok. Anybody else?

9
10 Schlumpf: nah I think we're good

11
12
13 Agent Mollica: ok.

14
15 Jerome: yall think we can talk in private or no?

16
17
18 Schlumpf: no you can't talk in private, but..

19
20 Jerome: (UI)

21
22
23 Schlumpf: well if you don't want to, don't go into specifics. But basically you both know the
24 situation. You can both can take responsibility for your own actions. Tell me if you're
25 remorseful or not. I mean I would like to tell the judge you're remorseful –

26
27
28 DeShawn (UI) cigarette.

1
2 Schlumpf: yeah

3
4 DeShawn: for real

5
6
7 Schlumpf: we can get you one after. You can't smoke in here but we can get you one before we
8 take you to the jail

9
10 DeShawn: my nerves is bad

11
12
13 Schlumpf: we got cigarettes.

14
15 Jerome: this like whatchu call it, First 48. You good bro?

16
17
18 Schlumpf: you wanna go for like the minimum sentence and start getting things worked out.

19
20 DeShawn: I mean yeah like

21
22 Schlumpf: I mean federally it's like the only way to go

23
24
25 Jerome: (UI) I was talking to him and (UI) they look at your points and violence and federal
26 crime

1 Schlumpf: they add points if like there was a ton of money taken which I don't think was the
2 case I don't know. They add points for violence which there really wasn't any. But they take
3 points off for, big one is accepting responsibility. You know you say I did it. I mean you not
4 giving anything up. We already know you did it. So it's not costing you anything.
5

6
7 Jerome: (UI) I understand that part. I'm saying like um how could we be like guaranteed like this
8 will actually help. We could say anything, you could tell us anything, you not the judge the
9 prosecutor.
10

11
12 Schlumpf: right.
13

14 Jerome: you just the arresting agent.
15

16 Schlumpf: that's exactly right
17
18

19 Jerome: I been to jail before. I been in rooms like this. Not federal, but I been in rooms people "
20 yeah you tell us this you tell us that" –
21

22
23 Schlumpf: I told you that. I'm not giving you any times or anything like that. I told you what my
24 experience has been. But I'm not gonna make any predictions to your time because it's not up to
25 me. What I can tell you though and this is like a guarantee is that if you want the least amount of
26 time possible, today's the day you wanna start working towards that.
27
28

1 Jerome: but that's what I'm saying like, what I'm saying is it's like no guarantee to what you're
2 saying –

3
4 Schlumpf: I know.
5

6
7 Jerome: like they're gonna call you, they're gonna talk to you. Yeah ok, the guy sat there, he
8 confessed; he said this he said that. We looked his (UI) but due to the fact of the situation, it's
9 still a crime it's still a bank robbery. It's still there was a gun used. You know what I mean. And
10 you still there was a pursuit, people injured you know what I'm saying, all those all those factors
11 matter in this situation no matter no matter yeah evidence was (UI)
12

13
14 Schlumpf: the points come out. Like I told you, I don't see, you're not gonna avoid jail time for
15 this.
16

17
18 Jerome: I'm not saying I'm avoiding jail time. I never said that.
19

20 Schlumpf: Well I mean some people have. I don't think you're in that position.
21

22
23 Jerome: (UI)
24

25 Schlumpf: what I can tell you is, you can get that time down as low as possible. And that's what
26 you wanna do, get it as low as possible. And I know we just met this morning and not under the
27 best circumstances but this is just how we do our job.
28

1
2 Jerome: we would've never met if it was other circumstances. We live two different lives. (UI)

3
4 Schlumpf: yeah, but here we are. You know and a lot of people have sat in that chair and really I
5 tell them all the same thing.
6

7
8 Jerome: I believe it
9

10 Schlumpf: and it works out. All of them at some time between now 6 months from now, all them
11 make a deal. Except for the 15 or 18 I told you about.
12

13
14 Jerome: of course if there's leverage for a deal and it's the best deal possible. (UI) just based on
15 the circumstances.
16

17
18 Schlumpf: just to avoid the maximum.
19

20 Jerome: you know the maximum is the maximum.
21

22
23 Schlumpf: but the earlier you start –
24

25 Jerome: bank robberies you aint getting life for bank robbery.
26

27 Schlumpf: no.
28

1 Jerome: so it really don't matter.

2
3 Schlumpf: unarmed, first time no job bank robbery, they've gotten from probation to 2 ½ to 3
4 years

5
6
7 Jerome: I know

8
9 Schlumpf: ok

10
11
12 Jerome: I know about this type of stuff.

13
14 Schlumpf: that's kind of where you wanna get. You wanna get down as low as possible. You
15 have not been charged with anything, they don't have to charge you with the gun if you guys are
16 cooperative and everything –

17
18
19 Jerome: what gun?

20
21 Schlumpf: the gun at the bank

22
23
24 Jerome: that's the bank gun though right?

25
26 Schlumpf: that was the banks gun. So –

1 Jerome: who's fingerprints was on it.

2
3 Schlumpf: we haven't done any of that stuff

4
5 Jerome: (UI)

6
7
8 Schlumpf: all of that stuff comes down as soon as I drop you off. All that other stuff starts.

9
10 Jerome: I'm not tryna be an asshole or nothing like that. I just you know..

11
12 Schlumpf: I know.

13
14
15 Jerome: I just wanna get on the phone. I don't know what I wanna do. (UI)

16
17 Schlumpf: it's entirely up to you

18
19
20 Jerome: (UI)

21
22 Schlumpf: I'm just telling you what the situation is.

23
24
25 Jerome: I'm sleepy. (UI) I just called my mama (UI). I'm not even arrested for that yet –

26
27 Schlumpf: no you're arrested

1
2 Jerome: no I'm saying I'm arrested but I'm not actually charged with that yet. I'm just like
3 probable cause.
4

5
6 Schlumpf: Right
7

8 (UI)
9

10 Schlumpf: we're kind passed the point of convincing you that you did it, you tryna convince me
11 that you didn't –
12
13

14 Jerome: I aint tryna, I aint tryna convince of you of anything. You have solid evidence and proof
15 (UI)
16
17

18 Schlumpf: yes. My job is to make sure that you know what the situation is so that you can make
19 the decision –
20
21

22 Jerome: (UI)
23

24 Schlumpf: Has the money been found? Do you know?
25

26 Agent Mollica: Uh I haven't gotten any updates. (UI) was working on it, us with that and they
27 were continuing to search when we left the uh location where Mr. Walker was found.
28

1
2 Jerome: don't the money have a tracker?

3
4 DeShawn: (UI)

5
6
7 Jerome: You got bit by a dog? Police dog?

8
9 Schlumpf: oh yeah what happened?

10
11
12 Agent Mollica: He was hiding out in a shed. He was jumping over some walls.

13
14 Jerome: (UI)

15
16 Agent Mollica: it wasn't his shed. Doesn't make any sense to me.

17
18
19 Jerome: (UI)

20
21 (Random UI between the parties in the room)

22
23
24 Jerome: what's that?

25
26 Schlumpf: that's from –

1 Agent Mollica: December 31st. that's you at the same bank

2
3 Schlumpf: Wednesday.

4
5 Agent Mollica: scoping it out.

6
7
8 (UI between Jerome and Schlumpf)

9
10 Agent Mollica: it's gonna show the same car you leave in too.

11
12
13 Schlumpf: so you guys know the situation. Um Jerome you're up. I mean we still have to process
14 Deshawn but you know if you wanna get this thing resolved with the least amount of hurt for
15 you, I'm willing to sit here and go through it with you.

16
17
18 Agent Mollica: want me to take Deshawn out the room here so you guys can chat a minute and
19 uh (UI)

20
21 Schlumpf: yeah (UI)

22
23
24 Agent Mollica: take a drink of your water

25
26 (UI)

1 Jerome: why can't you do his fingerprints right there?

2
3 Schlumpf: huh?

4
5
6 DeShawn: can I get that cigarette?

7
8 Schlumpf: yeah. Both you guys both you guys are in the same situation. —

9
10 DeShawn: I just want some nicotine, a nicotine in a cigarette

11
12
13 Schlumpf: oh cigarette.

14
15 DeShawn: yeah.

16
17
18 Schlumpf: oh when we leave you can

19
20 Jerome: you can smoke in the (UI)?

21
22
23 Schlumpf: no

24
25 Agent Mollica: take your drink because I'm gonna put the handcuffs on you while we wait in the
26 other room while they do their thing.

1 Jerome: no uh --

2
3 Schlumpf: when we take him out to the car, we're gonna let him have a cigarette.

4
5 Jerome: no I was saying yall can just talk do his fingerprints in here and I'll just sit outside cause
6 I aint got too much to say though.

7
8
9 Schlumpf: well if you don't have too much to say, we'll just take you down to Henderson. And
10 DeShawn may have something to say, I mean it's up to him. So.

11
12
13 Agent Mollica: if you have his stuff I can hit the road with him.

14
15 Schlumpf: he has no stuff

16
17
18 Agent Mollica: no stuff. I mean his booking pad and information. Can I have my cuffs? Alright
19 now stand up for me

20
21 Jerome: do I get a phone call or (UI)

22
23
24 Agent Mollica: you can call whoever you want when you get down to Henderson

25
26 Jerome: (UI)

1 Agent Mollica: Yeah. You can call them then. Stand over here against the wall.

2
3 Schlumpf: he has not been searched since Metro

4
5 Agent Mollica: ok.

6
7
8 Jerome: I got \$100 in my pocket and that's not from the bank

9
10 (UI)

11
12
13 Jerome: Don't you have the serial number from there?

14
15 Agent Mollica: that's alright don't worry we'll use it as restitution, we're taking it.

16
17
18 Jerome: what?

19
20 Schlumpf: no uh, you want me to give it to your mom or something?

21
22
23 Jerome: don't it go on my books? Don't I get books?

24
25 Schlumpf: well she can put it on your books. Otherwise we have to take it as evidence

26
27
28 Jerome: yall was gonna take it as evidence anyway

1
2 Schlumpf: no I'll give it to your mom. (UI) not from the bank.
3

4 Jerome: this is just gas money
5
6

7 Agent Mollica: you aint got no car so you don't need gas money now
8

9 Jerome: (UI)
10
11

12 Agent Mollica: Right?
13

14 Schlumpf: it's up to you, I could put it in evidence or I can give it to somebody you want me to
15 give it to.
16
17

18 Jerome: (UI) It's hard to say?
19

20 Schlumpf: I would believe what you said
21
22

23 Jerome: it aint like I would just keep one bill
24

25 Agent Mollica: what's this?
26
27

28 Jerome: oh that's from the finger print (UI)

1
2 Agent Mollica: throw it out?

3
4 Schlumpf: yeah .

5
6
7 Jerome: (UI) Are the phone calls free there?

8
9 Schlumpf: uh I think the first ones are.

10
11
12 (UI between Jerome, Schlumpf, and Agent Mollica)

13
14 Agent Mollica: yeah they're free. You're making local calls right?

15
16 Jerome: (UI)

17
18
19 Schlumpf: yeah

20
21 Agent Mollica: yeah

22
23
24 Jerome: alright

25
26 Agent Mollica: you aint got nothing else on you? Nothing else in your pockets

1 Jerome: aint nothing in my pockets

2
3 Agent Mollica: alright hit the road. Where's his stuff at? This it?

4
5 Schlumpf: uh...yeah.

6
7
8 Agent Mollica: And where was he picked up at? (UI)

9
10 Schlumpf: uh. (UI) and 23rd, something like that

11
12
13 Jerome: I was on (UI) and Searles

14
15 Schlumpf: that's right. Searles, S-e-a-r-l-e-s.

16
17
18 Agent Mollica: come on man

19
20 Jerome: alright

21
22 Schlumpf: I'll see you Monday Jerome. Take it easy.

23
24
25 Jerome: Alright

1 Schlumpf: ok (UI) you heard the spill. I mean it's up to you. Either way it's fine with me. As
2 long as you understand what the situation is.

3
4 DeShawn: (UI)
5
6

7 Schlumpf: well what is it that you want to know?
8

9 DeShawn: I mean you're not telling me (UI) you're not telling me anything
10

11
12 Schlumpf: I'm just telling you that this is your chance if you want to get your time down.
13

14 DeShawn: (UI)
15
16

17 Schlumpf: oh all it is telling us about the robbery. If you're remorseful for it, like you're sorry
18 that you did it, that would be something. And there were any mitigating circumstances like you
19 need money to take care of your family; you got a drug problem, alcohol, or gambling. All that
20 stuff kind of counts in your favor. And then I can tell the judge, the prosecutor in pre-trial that
21 DeShawn is an ok guy, young guy not really been in trouble before; did something stupid; wants
22 to get it behind him.
23
24

25 DeShawn: (UI)
26
27

28 Schlumpf: What?

1
2
3
4
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28

DeShawn: (UI)

Schlumpf: Ok. Just tell me about the robbery.

DeShawn: (UI) Really

Schlumpf: What's that?

DeShawn: (UI) to it really. Like man

Schlumpf: Are you working? Did you get fired? Are you working? Have you ever been working?

DeShawn: yeah I been working security all my life

Schlumpf: ok. That's good. How did you lose your job?

DeShawn: I was (UI) work

Schlumpf: ok

DeShawn: (UI)

1
2 Schlumpf: You couldn't work if you pawned the firearm right?

3
4 DeShawn: (UI)

5
6
7 Schlumpf: are you taking care of anybody? Got kids? A Relative?

8
9 DeShawn: I got a 10mo daughter

10
11
12 Schlumpf: oh. And you got no money right? No job?

13
14 DeShawn: no. nothing. I'm transient

15
16
17 Schlumpf: alright so you're just desperate for money?

18
19 DeShawn: I would say I'm broke (UI)

20
21
22 Schlumpf: well I can tell ya desperate right? Because you don't have money to take care of your
23 daughter. Um do you have like a drug or alcohol or gambling problem or anything?

24
25 DeShawn: I gamble but...

1 Schlumpf: and that's not a problem? Ok. So basically you're just a normal guy with a job, and
2 you just lost your job, can't make ends meet and just needed money.

3
4 DeShawn: (UI) just made this one mistake
5

6
7 Schlumpf: ok. And you're sorry about it right?
8

9 DeShawn: (UI)
10

11
12 Schlumpf: ok so you needed money you just decided to go get some at the bank right? So –
13

14 DeShawn:(UI)
15

16
17 Schlumpf: I can't put words in your mouth. I mean I'll tell the judge what you tell me. But I
18 can't I can't tell him unless you gotta say the words you know? You gotta say I robbed the bank.
19 I ran in there, just tell me what happened. I was at the bank this morning but I don't know details
20 what went on. But whatever you tell me, if that matches up with the details I can tell the judge
21 you're being completely truthful and cooperative .
22

23
24 DeShawn: (UI) got a photo on my birthday (UI)
25

26 Schlumpf: Right. So you went in the bank checked it out on your birthday
27
28

1 DeShawn: (UI)

2
3 Schlumpf: How did you pick that bank?

4
5 DeShawn: I didn't (UI) I didn't picked it

6
7
8 Schlumpf: ok you just got driven there? Ok we don't have to talk about anybody else. So you
9 went into the bank right?

10
11 DeShawn: When?

12
13 Schlumpf: Today.

14
15 DeShawn: did I go in? Today?

16
17
18 Schlumpf: I'm trying to make this easy for you. But you gotta say the words. You gotta tell me
19 what happened. Not what anybody else did, just what you did.

20
21 DeShawn: (UI) I mean you asking me to say what I did, but you got proof so it's like –

22
23 Schlumpf: we do got proof. That's why you're here.

24
25 DeShawn: yeah that's what I'm (UI)

1
2 Schlumpf: so if you wanna get the points for cooperation, and the acceptance of responsibility,
3 you gotta accept the responsibility.
4

5
6 DeShawn: I ain't got no choice but to you know –
7

8 Schlumpf: Yeah. I mean it's true. Everybody is willing to cut you a break. You gotta make the
9 first move you know. Judge and prosecutor are more than willing to help anybody who is willing
10 to help themselves. But you gotta help yourself.
11

12
13 DeShawn: (UI) help myself (UI)
14

15 Schlumpf: Yeah well you don't even have to say anything about the other people.
16

17
18 DeShawn: that's what I'm saying wrong place wrong time and that's that, that's it
19

20 Schlumpf: so were you in the car you just kinda got taken there? You just kind ended up there
21 today?
22

23
24 DeShawn: nooooo.
25

26 Schlumpf: I know it's hard to talk about this stuff because it kind of goes against. But it's
27 definitely gonna be worth your while to do it this way.
28

1
2 DeShawn: if it is (UI) but I didn't do nothing so...

3
4 Schlumpf: you say you didn't go into the bank today?

5
6
7 DeShawn: nah I didn't do nothing.

8
9 Schlumpf: you just went in and stood there?

10
11
12 DeShawn: (UI)

13
14 Schlumpf: this isn't really helping ya

15
16
17 Cook: you realize this is already on video?

18
19 DeShawn: it is?

20
21
22 Cook: the point isn't for us to figure it out. The point is for you to accept responsibility

23
24 DeShawn: (UI) there's nothing I could do about it bro.

25
26 (UI between all three parties Agent Cook, Agent Schlumpf, DeShawn)

1 Cook: right. But you can help mitigate the damage done by explaining every detail of it so that
2 you're coming forward with the information so that there's points –

3
4 DeShawn: (UI) I'm just out of it. (UI) I been up all night. I just...
5

6
7 Cook: it's not sweat off my back if you don't explain what happened. It's all on video. The point
8 it its damages your situation so –
9

10 DeShawn: (UI)
11
12
13

14 Schlumpf: we're tryna make you look credible
15

16 DeShawn: (UI)
17

18 Schlumpf: you went in the bank right?
19

20 DeShawn: when?
21

22 Schlumpf: Today
23
24

25 DeShawn: (UI)
26

27 Schlumpf: so you're saying you didn't go into the bank today?
28

1
2 DeShawn: did I go in there today?

3
4 Schlumpf: I mean you know if you went in there or not

5
6
7 DeShawn: (UI)

8
9 Schlumpf: alright. I think you went in the bank. Like I said I was there today and I just talked to
10 the officers and I left to go pick up Jerome. So I don't know a lot about what happened. I think
11 somebody went over to the teller counter and left the gun and somebody went to the guy in the
12 corner office. And then you both ran out and took off. Which one were you? Were you the guy
13 who went to the teller counter or the guy who went to the corner office?

14
15
16 DeShawn: if you say you have video then (UI) though

17
18
19 Schlumpf: I haven't seen it. I haven't looked at the video.

20
21 Cook: that's not the point. We're gonna have all the information because it's all on video. We're
22 not asking you so we can figure out what happened. We're asking you so that we can have it on
23 record that you're coming forward and throwing yourself at the mercy of the court and the judge.
24 Without that, you're saying this guy doesn't want to cooperate, so screw him. What do we care?

25
26
27 Schlumpf: I mean I can't tell the judge that you were cooperative and accepting responsibility –
28

1
2 DeShawn: I'm saying though, if you're saying that yall got video but you want me to say like
3 basically yall want me tothat's crazy.
4

5
6 Schlumpf: well that's what you're gonna have to do. Some time in the next 6 months you're
7 gonna have to say to either me or the judge, I robbed the bank. I robbed the bank on January 2nd.
8 Otherwise your only other option is to go to trial. If you're gonna keep sayin you know I don't
9 know if I robbed the bank or not then you gotta go to trial. So if you go to trial, you're looking at
10 you know 12 – 18 years and they'll add the gun charge and they'll add everything on it.
11
12

13 DeShawn: but how will they add charges if like –
14

15 Schlumpf: well what I'm sayin they don't have to charge you with the gun charge
16
17

18 DeShawn: that's what I'm saying
19

20 Schlumpf: you know if you're completely cooperative and helpful and accepting responsibility
21 and just wanna get it behind ya, then the prosecutor can say alright let's not charge him with the
22 gun. They don't have to. You haven't been charged with anything yet. I'm gonna write it up just
23 flat out bank robbery.
24

25 DeShawn: (UI)
26
27
28

1 Schlumpf: no you're not. You haven't even admitted to going in the bank yet. I know you were
2 in the bank. You're not telling me that I don't know. The point is that you. And I gotta be able to
3 tell the judge that yeah he told us all about it. I can't tell the judge that, if you're not telling us
4 anything.

5
6
7 DeShawn: (UI) I told you. You just (UI)

8
9 Schlumpf: did you go to the bank today?

10
11
12 DeShawn: it was a wrong move

13
14 Schlumpf: that's. we all know it was a wrong move. The judge knows, he knows people make
15 mistakes. Now as long as they're sorry for it, it's not that big deal –

16
17
18 DeShawn: like you said (UI) you making it seem like you friends with the judge. Like –

19
20 Schlumpf: no I'm just saying the judge calls me. I talk to the judge.

21
22
23 DeShawn: you something like the district attorney? (UI)

24
25 Schlumpf: Me? No.

26
27
28 DeShawn: basically

1
2 Schlumpf: I'm like a cop. The prosecutor is called the Assistant United States Attorney, they're
3 like the DA. And the judge is like the judge. But when they get the complaint, all they see is the
4 elements of the crime. That's why they call me.
5

6
7 DeShawn: ok so like if they see it then. Then they see –
8

9 Schlumpf: they'll see that the bank was FIC insured. They'll see that this much was taken out.
10 The address of the bank. Two guys are involved. These guys were arrested. What they call me
11 for is they wanna know what's the deal with DeShawn? Is he like some hard ass gang banger
12 doesn't care who he hurts or –
13

14
15 DeShawn: I'm not though. I'm not.
16

17
18 Schlumpf: I know. I wanna be able to tell them. Nope he got no record. Never really been in
19 trouble but he was desperate for money, so he did something stupid and just wants to get it
20 behind him. And he hopes that everybody will kinda help him out. And they'll go ok. That's
21 reasonable. Everybody gets to make a mistake. But I can't tell them you're being cooperative
22 because you're not telling me what happened.
23

24
25 DeShawn: I mean if you know what happened then why are you asking me what happened?
26 That's what I'm saying –
27
28

1 Schlumpf: because I want to tell the judge yeah he told us all about it. He's sorry and wants to
2 put it behind him. I can't do that though unless you tell me all about it. I can tell him you don't
3 have a record and you don't seem like you're a bad guy. And the judge says well like did he
4 admit to it? You know tell you what happened? I have to say, no. you know, he didn't. Which
5 that's what's gonna happen with Jerome. And then the judge will take that into consideration
6 before he makes his decision.
7

8
9 DeShawn: and that's crazy like you keep telling me that you seen the video and then you're
10 asking me (UI)
11

12
13 Schlumpf: right.
14

15 DeShawn: but if you had seen the video, then you would know right?
16
17

18 Schlumpf: well I haven't looked at the video. And we're gonna know. We're gonna investigate
19 this thing. I never heard your name up until like an hour ago alright. Now that we got this info,
20 I'll be investigating this for about a week or so. And I'll learn everything about it. But I can't tell
21 the judge you were cooperative, if you're not telling us anything. This is not for my benefit. This
22 is for your benefit.
23
24

25 DeShawn: (UI)
26
27
28

1 Schlumpf: what I have to do is match up what you tell me against the facts and the investigation.

2 And as long as everything matches –

3
4 DeShawn: (UI) like that's crazy. I don't know. I'm speechless right now.

5
6
7 Schlumpf: well it's hard –

8
9 (UI Schlumpf and DeShawn talking at the same time)

10
11
12 DeShawn: (UI) I did nothing really

13
14 Schlumpf: I know it's hard to admit you did something wrong but that's kind of the process.

15 You're gonna have to do it sometime. So if you get it over with, you kinda get everybody on
16 your side and start today. You could always make a deal later but it's just not gonna be as good
17 as from the get go. So let's do the fingerprints and stuff we gotta do. And you think about it. By
18 the time, in a week from now there isn't anything you're able to tell me about this that I don't
19 already know, but that's not the point of our talk here today. The point of our talk today is by law
20 I have to give you the opportunity to cooperate and take responsibility. And you don't have to
21 take that opportunity. But I have to make sure you understand that it's there.

22
23
24
25 DeShawn: I'm taking responsibility right?

1 Schlumpf: yeah but you're not telling you did anything. I'm taking responsibility for...and I'm
2 not saying what. So let's start the fingerprints. Do you have the (UI)

3
4 Cook: yeah (UI)

5
6
7 Schlumpf: we'll start getting a move on here. There's no problem with you and Jerome being
8 housed together? Neither one of you guys seem violent.

9
10 DeShawn: I'm not violent (UI)

11
12
13 Schlumpf: you know you're like uh a good candidate for release. Like I said there's no bail for
14 the federal system. you're either detained or released on your own recognizance. And I had a
15 guy who used a gun get released on his own recognizance.

16
17
18 DeShawn: But I never said (UI)

19
20 Schlumpf: well there was a gun used in the robbery and you're a part of that so. I don't know if
21 you're the guy who carried the gun or didn't carry the gun because you haven't told me anything.
22 So I just gotta assume you know you get hit with the gun thing because you haven't told me
23 anything different.

24
25
26 DeShawn: (UI) thing

1 Schlumpf: the prosecutor, next week when he indicts you will probably add the gun charge
2 because you're not accepting responsibility or being cooperative.
3

4 DeShawn: but I am I am being cooperative
5
6

7 Schlumpf: you haven't told me anything. You haven't, I can't go to the prosecutor and tell him
8 yeah he accepts responsibility but he won't tell me what he accepts responsibility for. He can't
9 remember if he went to the bank today or not. That's just bs.
10
11

12 DeShawn: (UI) sleeping (UI)
13

14 Schlumpf: I haven't looked at the video. Are you the guy without the gun?
15
16

17 DeShawn: (UI)
18

19 Schlumpf: you gotta give me something to work with. I can't help ya if you know.
20
21

22 DeShawn: you keep asking me that but (UI) but when you see the video (UI)
23

24 Schlumpf: yeah we'll know. But the problem is the prosecutor could still charge you with it if he
25 wants to.
26
27

28 DeShawn: what's the difference with me telling you and (UI)

1
2 Schlumpf: here's the difference. There's 1 of 2 things the prosecutor is gonna hear from me
3 today. 1 thing is all we know is these two guys went in with a gun and robbed a bank and neither
4 one of them is accepting responsibility or admitting to doing it. The other way is DeShawn says
5 he went in the bank and robbed the bank but he didn't have the gun and that's what we see in the
6 video. So –

7
8
9 Deshawn: but why do I have to say that (UI)

10
11
12 Schlumpf: I'm saying it's up to the prosecutor whether to charge with you the gun or not. And he
13 bases that decision –

14
15 Deshawn: but how can he charge me with something, if he got proof (UI)

16
17
18 Schlumpf: oh because you guys are doing it together. You both can get charged with the gun.
19 You both can get charged with the traffic accident Jerome had. He wrecked that Kia. He t-boned
20 a pickup truck. Three people had to go to the hospital. That's on you. Until we hear different,
21 that's on you,

22
23
24 Deshawn: how's that on me? I was way somewhere else.

25
26 Schlumpf: I know but it's all a part of the same crime you guys did together. That's what I'm
27 telling you. If you both went to trial, they would charge both of you with the gun, the traffic
28

1 accident, the people getting hurt; everything they could. And you would be maxed out around 18
2 years.

3
4 DeShawn: (UI)
5
6
7

8 Schlumpf: If you don't go to the trial and you plead out and you accept the responsibility, all that
9 kind stuff goes away. Especially, if Jerome was the guy who had the gun and had the accident,
10 you'd be a minor participant. Everything will get you there. But you gotta, you gotta accept the
11 responsibility for what you did. You can't just like not say this stuff will go away.
12

13
14 DeShawn: I didn't say that, I didn't say that. You know what I'm saying? You know about
15 proof. That's what I'm saying though. What's the difference of me [talking over-wrapping]
16
17

18 Schlumpf: We have proof or we gonna have proof. [over-wrapping].
19

20 DeShawn: [over-wrapping] about incentive of word or a video. That's what I'm saying. I'd tell
21 you anything. You can just say I'd say anything.
22
23

24 Schlumpf: That is true that you get points off, the time off, for being truthful with us.
25
26

27 DeShawn: I've been truthful, though.
28

1 Schlumpf: I know you've been truthful. If, from where you indicated that I know that you are
2 not the guy who had the accident, and probably guessing you are not the guy with the gun.

3
4 DeShawn: Alright.

5
6
7 Schlumpf: Well, you haven't said it, so I gotta nothing to work with. If you tell me that you are
8 the guy with the gun, I will tell it to the judge.

9
10 DeShawn: If I say wasn't the guy with the gun and I was the guy with the gun then what?
11

12
13 Schlumpf: IF you are lying, then the bets are all off. If you are lying to me, then you gonna be
14 screwed. If you are the guy with the gun and you admitted, like I've said, _____ that I don't
15 have to charge with it. Now if you've been cooperative and everything else. But it's up to you. I
16 know you are tired, I know you want a cigarettes but you gotta pull yourself together long
17 enough to decide what you gonna do. Cause once the Fingerprints are done, you know. If you
18 don't' have anything to talk about it, I'll be taking you down to Henderson.

19
20
21 DeShawn: (UI) can we talk like later today? Like -
22

23
24 Schlumpf: Once I drop you off at the jail, I'll probably won't see you, again. Well, I'll pick you
25 up on Monday.

26
27 DeShawn: (UI) My head is spinning right now. (UI)
28

1
2 Schlumpf 1: Yeah. I know. A lot is going on. Getting bit and everything.

3
4 DeShawn: (UI) thinking about my daughter

5
6
7 Schlumpf: You wanna call her?

8
9 DeShawn: (UI) can

10
11
12 Schlumpf: Your baby's mother? When we're done you can. You saw Jerome on the phone with
13 his girlfriend when you came in right?

14
15 Jerome: man I don't know who he was talking to.

16
17
18 Schlumpf: Yeah, he talked his mom and he talked to his girlfriend. That's not a problem. Do you
19 have him for a second? I'll run out to my car and get him some cigarettes.

20
21 Cook: Yeah. I'll get started on the prints.

22
23
24 Schlumpf: Alright. Just sit tight for a minute.

25
26 Cook: Alright. Stand up and come over here. (UI) prints for ya. So this is done electronically.

27
28 Takes a little bit of getting used to. So first starting with your right slap, that's your right four

1 fingers. You wanna make sure the upper third fingers are up on the glass. Especially the tall one,
2 the middle finger. So do the best you can to get, then what you wanna do is slowly slide it across
3 so that the laser picks it up. Yeah exactly. So you're gonna place it on the glass, all four fingers.
4 That's good, then slowly left. You gotta go slower too. See how it barely came in? See how you
5 can barely see it? So real slow. (UI) Yeah see still too fast. It's still too fast. Let's see if it picked
6 up. Let me see your thumb. Yeah, you gotta do like this. You gotta roll it from left to right. Side
7 and roll it down. Does that make sense? To the side. Go like this. Push down. I probably push
8 down harder. Yeah, see Let's see if it's picks it up. Sometimes it
9 Slowly slide. Alright. Right thumb. Yeah you have to twist your body
10
11
12

13 DeShawn: What's that for?
14

15 Schlumpf: Oh DNA test. Just saliva.
16
17

18 DeShawn: for what?
19

20 Schlumpf: just to take a record of your DNA. That's what we have to do with everybody who's
21 arrested.
22
23

24 Cook: There you go just like that. Index finger. K. middle. Yep you're good. K, little finger.
25

26 Schlumpf: can I get that info?
27
28

1 Cook: (UI) slowly alright go stand against this wall, facing forward

2
3 Schlumpf: you don't have middle name DeShawn?

4
5
6 Cook: Step over to your right. You see that box I'm tryna get you in. alright your good right
7 there. Alright. Turn to your side, either is fine. Look straight ahead please. Alright you can sit
8 back down.

9
10 Schlumpf: so take that in and put it in your mouth. Scrub it around your tongue, roof of your
11 mouth, your teeth. Get it good and wet. You gotta do it like 2 times. Scrub it around your cheeks
12 and stuff. All that. Thanks. There you. Go ahead and smoke in here.

13
14
15 Cook: do you have any tattoos?

16
17
18 DeShawn: (UI)

19
20 Cook: just start. You got a lot of tattoos huh?

21
22
23 DeShawn: I got a couple

24
25 Schlumpf: you want them off of here?

26
27
28 Cook: are they listed?

1 Schlumpf: sometimes they do.

2
3 DeShawn: (UI)

4
5 Cook: (UI)

6
7
8 Schlumpf: so these fingerprints go on your DNA form. It's just these two fingers.

9
10 DeShawn: which fingers?

11
12
13 Schlumpf: these two. Your 2 index fingers. What you'll do is roll them on the ink then roll them
14 1 time like that. But I gotta open this up.

15
16 Cook: I'm not seeing it on here.

17
18
19 Schlumpf: just roll these two fingers. You can do both at the same time if you want. Perfect. And
20 then you can wash up with that.

21
22 DeShawn: (UI)

23
24
25 Cook: Let's go through these tattoos. No need to do every one. Let's just get the major ones.
26 Let's work from the top and work our way down. Tell me where it is and what it is.

1 DeShawn: chest piece, stomach, side of the stomach, I have a sleeve.

2
3 Cook: just give me something clarifying on it. Like is it a number, -
4

5
6 DeShawn: I got "40" a "4" right here and a "0" right here.
7

8 Cook: say it again
9

10 DeShawn: a 4 right here and a 0 right here
11

12
13 Cook: 4 and 0? Is that on your chest or on your shoulder?
14

15 DeShawn: Shoulder
16

17
18 Cook: what else? You got a sleeve on your right arm?
19

20 DeShawn: yeah
21

22
23 Cook: is it anything specific or a whole bunch of shit?
24

25 DeShawn: music
26

27 Cook: music?
28

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DeShawn: yeah

Cook: what's on your left arm?

DeShawn: (UI)

Cook: (UI) the word or a picture?

DeShawn: (UI)

Schlumpf: (on the phone) hello? Yes. Oh hey what's up? Yeah. From Wednesday? Yeah I got those. Yeah. Yeah I got that.

DeShawn: I want some more water.

(UI)

Cook: what else?

Schlumpf:(on the phone) ok. Ok.

Cook: "1420"

1
2 Schlumpf: alright. If you give him our my email or something, they can just email me the docs.
3 You don't have to wait around for that. Alright? Alright, hey thanks a lot. Take care. Bye. Are
4 you done with tattoos?
5

6
7 (UI conversation between Cook and DeShawn)

8
9 Cook: was that "1421"
10

11
12 DeShawn:14 (UI)
13

14 Cook: 14, 21 percent. I'm done with tattoos.
15

16
17 Schlumpf: good. Alright so like we're kinda done with everything we gotta do. If you want to get
18 the full benefit of cooperation, you know you're gonna have to some time do it. And if you do it
19 now I can start helping you now. Otherwise it'll be between your attorney and the prosecutor
20 trying to work out a deal. Which you could do it all the way up until the day you start trial. It just
21 if you do that you won't get that good of a deal. The earlier the better. So if you wanna tell me
22 that you went in the bank and where you got out the car. That'll be enough for me to work with
23 and enough for me to tell the prosecutor that you were fully cooperative. I know it's hard
24 DeShawn but it's gonna do you a lot of good. We already, I mean you're not hurting yourself
25 any cause we got all the evidence we really need you know. All you can really do is help
26 yourself. It's really a no brainer. Get the least amount of time as you can. Start everybody now
27
28

1 you know to get that done. It's better to not get charged with a bunch of stuff than to get charged
2 then try to deal it away later. Nip it in the bud. I make the same offer to everybody you know.
3 DeShawn I mean Jerome had the exact same offer. You know he decided not to take it so he's
4 gonna get indicted for a whole bunch of stuff. And then he can try to deal it away. I think it
5 works out even better for you.
6

7
8 DeShawn: (UI) that's what I'm saying though. If you see it for yourself, then I shouldn't have to
9 say nothing if you(UI)
10

11
12 Schlumpf: you don't get any points for cooperation unless you say something. It's you
13 cooperating, not tell- you know even if you tell us stuff we already know, it's still making the
14 effort; you're cooperating. That's what you get the points for. You being cooperative. You're not
15 telling us anything we're not gonna find out; I know that. That's not what this is about. This is
16 about you taking the opportunity to get your time down by being fully cooperative. You know?
17 That's all it is. It's your chance to be cooperative and get the points for cooperation. You don't
18 have to take them, but I don't know why you wouldn't.
19

20
21 DeShawn: that's what I'm sayin, that's what I'm saying like. I'm not understanding though like.
22

23
24 Schlumpf: You're..Let's say somebody does the exact same thing you did. And they say I didn't
25 do it. Prove it. I didn't do it. I didn't do nothing. And they go all the way to trial. We prove it.
26 We show them the videotape, the car, the evidence, all that stuff; they get convicted. And they
27 get the maximum sentence. That's the trail. That's the path you're going down now. You know?
28

1 The other path is to say yeah I did it, I went in the bank, uh, I got driven there I went in the bank;
2 I ran up to the teller, I forgot the gun on the counter. I'm sorry I just wanna get this over with.
3 You know that's the other path.
4

5
6 DeShawn: (UI)
7

8 Schlumpf: I don't know what the details were, I haven't seen the video. You know, both
9 circumstances we know what happened, we got the video. But it's one guy being cooperative and
10 one guy not being cooperative. Two completely different sentences.
11
12

13 DeShawn: I am being cooperative though like --
14

15 Schlumpf: you're not though. You saying you are, but you're saying that I did anything. I asked
16 you if you been in the bank you're like uh was I in the bank hm today. That's the opposite of
17 being cooperative. That's like the guy who wants to go to trial and get maxed out. Which has
18 happened you know. Every few years somebody's gotta be a hard ass and go to trial. And they
19 do a ton of time. Ton of time. Which I don't think is gonna happen with you. I think somewhere
20 down the line you're gonna make a deal.
21
22

23
24 DeShawn: all Imma say is I wasn't the one with the gun, that's it.
25

26 Schlumpf: Alright. That's good.
27
28

1 DeShawn: That's what I'm sayin like.

2
3 Schlumpf: At least that's something.

4
5 DeShawn: that's what I'm saying like, you wrote it down. Like that's what I'm saying.

6
7
8 Schlumpf: that's, that's gonna help you out. You were over in that corner office thing right? Not
9 anywhere near the tellers. That's where the guy without the gun was right? I haven't seen the
10 video. I'm just going off what they told me at the bank. Alright. If that's it, I mean I could work
11 with that. We can uh head down to Henderson get you there in time for lunch. You wanna call
12 somebody?
13

14
15 (UI)

16
17
18 Schlumpf: That's right.

19
20 DeShawn: What do I press?

21
22 Schlumpf: What? Press nine to get out. Then 7-0-2 or whatever.

23
24
25 DeShawn: (on the phone) (UI) I'm going to jail. (UI) Yeah. I'll call you when I get there,
26 alright? I love yall.
27
28

1 Schlumpf: you good? Do you got anything on you? Did they take everything off of you?

2
3 DeShawn: (UI)

4
5 Schlumpf: ok. Alright. We're gonna take off. I'll give you my card if anybody in your family or
6 anything wants to call and find out what's going on. You know as this thing goes on, if you want
7 you can give them my number. This my cell. I'll let you keep this if you wanna keep it. (talking
8 to Schlumpf) Can you just put that money in a belt in my desk?
9

10
11
12 Cook: Yeah.

13
14 Schlumpf: Thanks. Hey thanks a lot for your work done today.

15
16 Cook: Yeah, no problem.
17

18
19 END OF VIDEO

20
21 Dated this 15th of June, 2015

22
23 Respectfully Submitted,

24 DANIEL G. BOGDEN
25 United States Attorney

26 /s/
27 ANDREW W. DUNCAN
28 Assistant United States Attorney

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